

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEPHEN P. WALLACE, and
EDITH L. JACKSON,

Plaintiffs,

v.

JAMES M. KELLEY, JOAN GODLOVE,
MICHAEL FREEMAN, individually and as
the shareholder of Freeman Law Group,
MICHAEL KIRSCHNER, individually
and as the shareholder of Kirschner Law
Firm, TRUST COMPANY OF OKLAHOMA,
its shareholders and directors, RONALD
J. SAFFA, individually and as a
shareholder in Morrel, West, Saffa, Craige
& Hicks, Inc., WILLIAM HARRISON,
JAMES DIMON, JEFF KING, DAVID R.
PAYNE, individually and as shareholder of
D.R. Payne & Associates, PATRICK JAGE,
and WINDY CITY PARTNERS LLC,

Defendants.

Case No. 4:06CV3214

MEMORANDUM
AND ORDER

Two motions are currently pending before me:

1. Plaintiffs' "Motion to Vacate January 7, 2008 Memorandum and Order Obtained By Fraud under 60(b)(4) and Emergency Motion to Compel Judge Camp to Order the U.S. Attorney to Commence a Special Grand Jury Investigation Pursuant to 18 USC § 3332(a) by Private Attorney General Stephen P. Wallace," (Filing No. 96); and
2. A motion to amend judgment filed by defendants The Trust Company of Oklahoma and Ronald J. Saffa, (Filing No. 97).

The plaintiffs' motion to vacate raises issues of alleged fraud and conspiracy that were previously denied by the court. See Filing No. 94. The plaintiffs have submitted no additional support for their claim of judicial misconduct or criminal collusion by and with defendants The Trust Company of Oklahoma, Ronald J. Saffa, and their counsel. The

plaintiffs' allegations are spurious. Plaintiffs' motion to vacate, (Filing No. 96), will be denied.

Defendants The Trust Company of Oklahoma and Ronald J. Saffa have filed a second motion to amend the judgment entered on November 14, 2007. The original judgment: 1) dismissed the plaintiffs' complaint without prejudice; and 2) imposed a judgment of attorneys fees against the plaintiffs and in favor of the defendants. Filing No. 89. Defendants The Trust Company of Oklahoma and Ronald J. Saffa filed a motion to clarify or correct the judgment. The first motion to amend judgment requested that the judgment specifically name all the defendants in the caption and specifically state that the judgment was not entered against Lisa F. Wallace. Filing No. 90. An amended judgment was entered on January 7, 2008. Filing No. 95.

Defendants The Trust Company of Oklahoma and Ronald J. Saffa have filed a second motion to alter or amend the judgment asking that the judgment be corrected to "specify that the judgment entered in this case runs in favor only of Defendants Trust Company of Oklahoma and Ronald J. Saffa, rather than in favor of the defendants generally." Filing No. 97. No brief was filed in support of the motion. The remaining defendants have not responded to this motion.

While the motions to amend filed by defendants The Trust Company of Oklahoma and Ronald J. Saffa do not so specify, the record suggests that these defendants seek a judgment in their favor alone with respect to attorney fees, with the judgment of dismissal remaining in favor of all the defendants, each defendant to be specifically named in the caption. The judgment will be amended accordingly.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Plaintiffs' motion to vacate, (Filing No. 96), is denied;
2. The second motion to amend judgment filed by defendants The Trust Company of Oklahoma and Ronald J. Saffa, (Filing No. 97), is granted;
3. As to all the defendants identified in the caption of this memorandum and order, this action and the plaintiffs' complaint are dismissed without prejudice;
4. As to defendants The Trust Company of Oklahoma and Ronald J. Saffa, judgment is entered in favor of these defendants, and against the plaintiffs, Stephen P. Wallace and Edith L. Jackson, jointly and severally, in the amount of \$8,858.38, plus post-judgment interest at the rate of 3.72% commencing on November 14, 2007; and
5. A second amended judgment will be entered accordingly.

DATED this 6th day of March, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge